

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -JANUARY 17, 2006- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 8:11 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(06-029) Mayor Johnson encouraged the Alameda High School students and Troup 73 Boy Scouts attending the meeting to learn about local government; stated the City has good job opportunities.

(06-030) Proclamation declaring February 3, 2006 as "Wear Red for Women" Day in Alameda.

Mayor Johnson read the proclamation; stated the proclamation would be forwarded to the American Heart Association.

CONSENT CALENDAR

Councilmember Matarrese moved approval of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*06-031) Minutes of the Regular City Council Meeting held on January 3, 2006. Approved.

(*06-032) Ratified bills in the amount of \$1,585,271.93.

(*06-033) Recommendation to accept the City of Alameda Investment Policy. Accepted.

(*06-034) Recommendation to authorize the City Manager to execute the fifth amendment to the Measure B Funding Agreement and fourth amendment to the Measure B Project Implementation Agreement by and between the City of Alameda, the Alameda County Transportation

Authority, the Port of Oakland, and the City of Oakland for the Cross Airport Roadway Project (Ron Cowan Parkway). Accepted.

(*06-035) Recommendation to accept and authorize recording a Notice of Completion for the Bayport Stormwater Pump Station System Improvements. Accepted.

(*06-036) Recommendation to authorize execution of a lead-based paint hazard reduction Grant Agreement with Alameda County Lead Poisoning Prevention Program. Accepted.

(*06-037) Resolution No. 13920, "Approving the Application for California Cultural and Historical Endowment (CCHE) under the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002." Adopted.

REGULAR AGENDA ITEMS

(06-038) Resolution No. 13921, "Appointing Michael B. Cooper as a member of the City Recreation and Park Commission." Adopted; and

(06-038A) Resolution No. 13922, "Appointing Dora J. Dome as a member of the City Social Services and Human Relations Board." Adopted.

Councilmember Matarrese moved adoption of the resolutions.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

The City Clerk administered the Oath and presented a certificate of appointment to Ms. Dome.

(06-039) Resolution No. 13923, "Commending Alameda Police Lieutenant Bob Cranford for his contributions to the City of Alameda." Adopted.

Councilmember Matarrese moved adoption of the resolution.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

Mayor Johnson read the Resolution.

The Acting Police Chief accepted the Resolution on behalf of Lieutenant Cranford and expressed Lieutenant Cranford's appreciation for the Resolution.

(06-040) Recommendation to adopt Plans and Specifications and authorize Call for Bids for Bayport Alameda Community Building and Park Project.

The Redevelopment Manager provided a brief presentation.

The Acting Recreation and Park Director presented drawings outlining the schematics for the proposed park site.

Vice Mayor Gilmore inquired whether the restrooms would be separate from the community building.

The Acting Recreation and Park Director responded that the restrooms would be separate for park access.

Councilmember deHaan stated the adjacent school property area has asphalt; inquired whether the area would be accessible at all times, to which the Acting Recreation and Park Director responded in the affirmative.

Councilmember Matarrese inquired whether the proposed trees are appropriate for the climate, to which the Acting Recreation and Park Director responded in the affirmative.

Mayor Johnson inquired whether there would be adequate drainage.

The Acting Recreation and Park Director responded in the affirmative; stated adequate drainage has been stressed throughout the design process.

Mayor Johnson inquired whether sprinkler systems would cover the infield area.

The Acting Recreation and Park Director responded that the specifications would address specific sprinkler systems for the site.

Vice Mayor Gilmore stated that the older parks have a lot of tree root issues; inquired whether root guards were considered.

The Acting Recreation and Park Director responded in the affirmative; stated the design team was very conscience of tree type and placement.

Councilmember deHaan inquired what was the square footage of the multi-purpose room, to which the Acting Recreation and Park Director responded 1,700 square feet.

Councilmember deHaan inquired whether other multi-purpose rooms were comparable in size.

The Acting Recreation and Park Director responded the proposed multi-purpose room would be larger than most.

Councilmember Daysog inquired what are the anticipated uses for the baseball and softball fields.

The Acting Recreation and Park Director responded the use would depend on the age of the participants; stated two practices could be held at the same time for age groups under 12.

Councilmember deHaan requested an explanation of funding sources.

The Redevelopment Manager responded the funding sources come from project revenues such as land sale proceeds, residential profit participation, and tax increment.

Mayor Johnson inquired whether adequate benches would be provided.

The Acting Recreation and Park Director responded in the affirmative; stated the play areas would have benches also.

Mayor Johnson stated that the Joint Use Agreement was a great success; the City and School District benefit when resources are pulled together.

The Acting Recreation and Park Director noted the new park would be the first park built since Tilden Park in 1993.

Councilmember Daysog moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(06-041) Introduction of Ordinance Amending the Alameda Municipal Code by Adding Section 2-18 (Alameda Film Commission) to Chapter II (Administration), Establishing an Alameda Film Commission, and Prescribing Membership and Duties of Said Commission. Introduced.

The Development Services Director provided a brief report.

Councilmember deHaan inquired whether neighborhoods, business districts, and areas at Alameda Point had filming opportunities in the past, to which the Development Services Director responded in the affirmative.

Councilmember deHaan stated that he is concerned with having only one neighborhood representative; he would prefer to have two at-large neighborhood representatives; neighborhoods are impacted; business district representatives might not be Alameda residents.

Mayor Johnson stated that she understood the Commission's role to be marketing, not daily management.

The Development Services Director stated the permitting process would not change; deposits are provided for police services.

Mayor Johnson stated that times were restricted when filming was done on the bridge; police officers were present; pedestrians were notified of detours; the Commission's role should not be coordinating the activities.

The Development Services Director stated that the Business Development Division Coordinator would work as the staff liaison to coordinate various activities; the Commission would help with inquiries and marketing; the State has developed a program to educate neighborhoods and raise awareness.

Vice Mayor Gilmore stated filming has been done on her street over the last few years; the film production company sent someone out to explain the filming process; stated that the experience was positive.

Councilmember deHaan stated that his neighborhood had mixed reviews with the filming process; the neighborhood needs to be involved with handling location requests.

Mayor Johnson stated having someone familiar with the historical areas of Alameda is important.

The Development Services Director suggested reducing the number of members with working knowledge of the film/video industry to three, adding a resident with knowledge of historic districts, and changing the "neighborhood member or Alameda Victorian Preservation Society representative" to "neighborhood member".

Councilmember Matarrese suggested all members be Alameda residents, except business representatives.

Vice Mayor Gilmore stated some film industry people work for employers in town and should be able to be considered; the bulk of the Commission should be Alameda residents.

Mayor Johnson stated that the majority of the Commission should be

Alameda residents.

The Development Services Director stated that the initial terms could be shortened to no longer than two years.

Councilmember deHaan concurred with the Development Services Director; stated the terms should be staggered and reviewed; the number of business representatives could be reduced; he would prefer to eliminate the Chamber of Commerce representative.

The City Attorney outlined the sections of the ordinance to be revised.

Mayor Johnson clarified that the terms should be a maximum of two years.

The Development Services Director stated terms could be for one and two years.

Councilmember deHaan noted he would like the membership brought down to nine members.

Councilmember deHaan moved introduction of the ordinance with the proposed amendments: [1) reduce the number of members with working knowledge of the film/video industry to three; 2) change the "neighborhood member or Alameda Victorian Preservation Society representative" to "neighborhood member;" 3) add a neighborhood member with knowledge of historic districts; 4) require that the majority of the commissioners be Alameda residents; and 5) shorten terms to one and two year staggered terms].

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(06-042) Public Hearing on Housing and Community Development needs for the Community Development Block Grant Annual Plan.

The Development Services Director provided a brief report.

Mayor Johnson opened the public portion of the hearing.

Doug Biggs, Alameda Point Collaborative (APC), stated that he supports the recommendations of staff and the Social Services Human Relations Board (SSHRB); APC is building the capacity of the community; Americans with Disability Act (ADA) compliance is a growing issue.

Jim Franz, Alameda, stated he supports continued funding for safety

net services; special consideration should be given to organizations that provide education along with services; a disaster preparedness kit should be provided to low-income families.

Robert Bonta, SSHRB, stated the SSHRB was pleased to weigh in on the public service needs; employment, transportation, and child care are needed in addition to improving access to affordable housing; services are not being maximized; he hopes that SSHRB's four focus areas guide in the decision making.

Michael John Torrey, Alameda, stated that extraordinary maintenance issues are coming up for the Housing Authority facilities; the final Town Hall Meeting is scheduled for Thursday.

Mayor Johnson inquired whether the meeting's focus was to gather information about extraordinary maintenance.

Mr. Torrey responded that extraordinary maintenance is part of the focus; information on proposed improvements is provided to residents; resident input is requested.

There being no further speakers, Mayor Johnson closed the public portion of the hearing.

Mayor Johnson inquired whether extraordinary maintenance funding was available.

The Acting Assistant City Manager responded in the affirmative; stated Housing Authority reserves and bond funds would pay for housing complex repairs; a physical needs assessment was conducted and approved; the physical needs assessment determines the type of improvements needed over the next 20 years.

Councilmember Matarrese stated that the SSHRB did a terrific job in developing criteria; the criteria used to measure the performance of the organizations receiving the grants should align with the SSHRB's four focus areas to ensure that the money is well spent and goals have been achieved; improving access to affordable housing should include upholding anti-discrimination laws; individuals need to be provided with an avenue to bring discrimination issues to the proper authorities; SSHRB's criteria needs to be incorporated into the measurement of success to ensure that contractors know what is expected.

Councilmember deHaan inquired whether any feedback was available on the Sentinel issue.

The Development Services Director responded staff was working on a new scope of work and information would be provided to Council.

Councilmember deHaan inquired whether there was a possibility to receive more than the \$1.3 million grant.

The Development Services Director responded next year's total budget will be approximately \$1.5 million with recaptured funds from loans; the outright grant will be approximately \$1.3 million; program revenues and reclaimed dollars will be approximately \$200,000.

Councilmember deHaan inquired whether the CDBG funding takes care of the Housing Authority's needs, to which the Acting Assistant City Manager responded in the affirmative.

Councilmember deHaan inquired whether the Development Services Department's funding portion takes care of housing over and above the Housing Authority.

The Development Services Director responded in the affirmative; stated the majority of CDBG funding is for housing and rental rehabilitation.

The Acting Assistant City Manager stated that the Housing Authority has used CDBG, HOME, and redevelopment funds in the past but does not plan to use the funding this year.

Mayor Johnson inquired whether anyone's needs would be left out with the proposed Action Plan, to which the Development Services Director responded in the negative.

Councilmember deHaan inquired whether community service needs are reviewed periodically.

The Development Services Director responded in the affirmative; stated Alameda goes beyond what is required; stated safety net provider participation is unbelievable.

Mayor Johnson thanked the SSHRB and staff for all the hard work.

Councilmember Daysog moved approval of the staff recommendation.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

(06-043) Brien Burroughs, Glass Eye Media, stated that he is producing an independently financed television pilot at City Hall on Thursday and Friday; barriers sometimes come up when filming at government sites; all his contacts in Alameda have been great; stated he appreciates the support.

(06-044) Patrick Lynch, Alameda, stated there is corruption in the Planning Department; a resolution was passed by the Council on June 21, 2005 which required the owner of a vacant lot adjacent to his home to conduct a specific soil test prior to receiving design review; the testing was submitted; the design review was approved and has been appealed to the Planning Board; he is unable to get a fair hearing with the Planning Board; staff refuses to provide accurate information; the City denies using the wrong section of the California Environmental Quality Act (CEQA) in approving the development; he received a \$100 invoice to file a new form with the State; he received a \$1600 invoice, which includes over five hours to discuss the project with City Attorney's office; the facts are undisputable; urged members of the Council to appeal the decision of the Planning Board.

Mayor Johnson stated that Mr. Lynch should communicate his concerns with the City Manager.

Mr. Lynch stated that he spoke with the Acting Assistant City Manager on Thursday and has not received a reply.

The Acting Assistant City Manager stated that he spoke to Mr. Lynch, the Planning Department staff, and City Attorney's office last week; he still has one more person to contact; he will get back to Mr. Lynch.

COUNCIL COMMUNICATIONS

(06-045) Consideration of Mayor's nomination for appointment to the Economic Development Commission. **Continued.**

(06-046) Councilmember deHaan stated streetscape funding was discussed at the last Council meeting; he hopes that electrical provisions have been included to allow for embedded pedestrian lights [on Park Street] between Central Avenue and Santa Clara Avenue when funding is available.

(06-047) Councilmember deHaan stated a lot of homes have been fire damaged over a period of time; inquired whether remediation is required within a certain amount of time; stated areas are an eyesore and a nuisance.

Mayor Johnson stated that she was concerned with the building at the corner of Central Avenue and Park Street; the boards are down, but nothing is being done; inquired whether more controls are needed to ensure that owners remedy buildings within a certain amount of time.

Councilmember deHaan requested information on applicable ordinances.

The City Manager stated that information would be provided to the Council.

(06-048) Councilmember Matarrese stated that a vehicle inventory was discussed a few months ago; he would like Council to consider establishing a vehicle use resolution or policy so that the City can set an example; the resolution should include how vehicles are purchased, where to purchase alternative fuel vehicles such as natural gas and electric, and City vehicle use to reduce the number of single occupancy trips; requested that the use policy be brought back to the Council for consideration; the purchase of vehicles should follow.

(06-049) Councilmember deHaan stated vehicle inventory is important; he would prefer a separate line item in the budget to indicate the amount spent up front; excess vehicles were auctioned over the last three or four months; a number of vehicles are no longer usable; the number of excess vehicles and future needs should be reviewed; uniform vehicle markings are extremely important.

The City Manager stated that the replacement criteria were being reviewed; a general policy for alternative fuel would be provided to Council.

Councilmember deHaan congratulated Alameda Power and Telecom for using hybrid cars; stated an inventory should be established; vehicles should be replaced in a logical manner.

(06-050) Mayor Johnson stated that the athletic facilities' use policy should be brought to the Council for adoption by resolution or ordinance; the current policy is not compliant.

The City Manager stated that staff is in the process of rewriting the policy.

Mayor Johnson stated that she would prefer a formalized Council resolution.

ADJOURNMENT

(06-051) There being no further business, Mayor Johnson adjourned the Regular Meeting at 9:40 p.m. in a moment of silence for City Employee Matt Plumlee's family loss.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JANUARY 17, 2006- -6:05 p.m.

Mayor Johnson convened the Special Meeting at 6:05 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

[Note: Councilmember Daysog arrived at 6:35 p.m.]

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(06-025) Conference with Legal Counsel - Existing Litigation; Name of case: Citizens for a Megaplex-Free Alameda v. City of Alameda.

Rosemary McNally stated that she was not a party to the lawsuit, but had followed the Cineplex project since the Historical Advisory Board meeting in 2005; cited the Indemnification Clause in the Disposition and Development Agreement with the developer, Kyle Connor; questioned why the City is paying for Mr. Connor's defense costs when the City says it does not have enough money for services.

The City Attorney responded that the developer has his own attorney; the City has a large investment risk in the project and chose to retain its own counsel in order to best protect its own interests in the project.

Ms. McNally thanked the Council for clarification and submitted copy of her statement for the record.

(06-026) Conference with Labor Negotiators - Agency Negotiators: Craig Jory and Human Resources Director; Employee Organizations: Alameda City Employees Association, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association.

Mayor Johnson called a recess at 7:55 p.m. and reconvened the Special Meeting at 9:45 p.m.

(06-027) Conference with Labor Negotiators - Agency Negotiators: Marie Gilmore and Frank Matarrese; Employee: City Attorney.

Following the Closed Session, the Special Meeting was reconvened

and Mayor Johnson announced that regarding Conference with Legal Counsel, the Council discussed the case and stated staff would provide an Off-Agenda Report on the upcoming process; regarding Alameda City Employees Association, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association, the Council obtained briefing from labor negotiators; regarding City Attorney, the Council gave direction to labor negotiators.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 10:05 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY- -JANUARY 17, 2006- -7:29 P.M.

Mayor Johnson convened the Special Meeting at 8:02 p.m. Councilmember Matarrese led the Pledge of Allegiance.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

Agenda Item

(06-028) Resolution No. 13919, "Authorizing Open Market Purchase Pursuant to Section 3-15 of the Alameda City Charter for the Repair of the Bay Farm Island Seawall Dike, along Shoreline Park, and Authorizing the City Manager to Enter into Such an Agreement." Adopted.

Councilmember Matarrese inquired whether the requested funding was for interim repair, to which the Public Works Director responded in the affirmative.

Councilmember Matarrese inquired when full repair would be completed and what the plan was for preventive maintenance.

The Public Works Director responded the schedule for the full repair was being reviewed; larger ripraps would be added to strengthen the armoring of the slope; the design process would take approximately two to three months because a lot of surveying is required; funding is the big issue; the estimate is approximately \$2 million for the riprap.

Mayor Johnson inquired whether information has been provided to the public.

The Public Works Director responded the area has been barricaded, and warning signs have been posted.

Mayor Johnson requested that additional signs be posted along Shoreline Park to provide information on the seawall restoration and to thank the public for their patience.

Councilmember deHaan stated the damage occurred because of high tides; inquired whether further deterioration was evident.

The Public Works Director stated the entire length of the seawall has been inspected; the interim repair would take care of significant deterioration; the intent is to beat the high tides forecasted for the end of the month.

Councilmember deHaan inquired whether erosion occurred in other areas.

The Public Works Director responded the \$500,000 should cover all areas that need repair.

Mayor Johnson inquired whether periodic inspections are conducted.

The Public Works Director responded in the negative; stated future periodic inspections are being considered.

Councilmember Matarrese stated that the Governor added Alameda County to the disaster list; inquired whether funding would be available for the repairs.

The Public Works Director responded that staff was working with the County and Office of Emergency Services (OES) to secure Federal Emergency Management Agency (FEMA) funds.

Councilmember deHaan inquired whether the deterioration was standard or the result of circumstances.

The Public Works Director responded that the current situation is extremely accelerated; a resident raised the issue in March; staff examined the area in April and determined that immediate attention was not needed.

Councilmember deHaan stated hopefully budget issues would not prevent performing a temporary fix if the City witnessed some deterioration.

Mayor Johnson stated that issues should be called to the Council's attention if something similar arises.

Councilmember deHaan thanked the Public Works Director for planting trees in front of Alameda College on Appezzato Parkway.

Councilmember Matarrese moved adoption of the resolution.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 8:11 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.